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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,549	03/20/2001	Osamu Kawai	1081.1115	9082
21171	7590	06/21/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/811,549

**Applicant(s)**

KAWAI ET AL.

**Examiner**

Mary Cheung

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the amendment on April 19, 2005. Claims 1-17 are currently pending. Claims 1, 10 and 14-17 are amended.

### ***Response to Arguments***

2. Applicant's arguments filed April 19, 2005 have been fully considered but they are not persuasive.

Applicant argues that Bondi (U. S. Patent 6,333,979) fails to teach or suggest a storing unit storing management information to classify each network apparatus based on a combination type, wherein said combination type is a type of a combination of business entities providing service to network apparatuses and corresponding costs of the business entities. Examiner respectfully disagrees. Bondi teaches routing communications from each terminal based on the type of the destination plan (column 4 lines 36-48), and the destination plan specifies the service provided to the terminal and corresponding costs of providing the service to the terminal (column 7 lines 36-62). In particular, the teaching of routing communications in Bondi corresponds to the limitation of "classify", and the calling services provided by the destination plan corresponds to the limitation of "providing a service", and the management information is stored in a database (column 2 lines 42-44 and column 5 lines 35-65 and Fig. 1).

Furthermore, applicant argues that Bondi or Farris (U. S. Patent 6,064,653) fails to teach a type of a combination of business entities providing service. Examiner respectfully disagrees because this matter is taught Bondi as combining plurality of

factors (i.e. predetermine category) to generate a destination plan that provides service to the terminal (column 7 lines 36-62).

In regarding to claim 17, examiner believes that Bondi teaches managing the cost of a distributed network apparatus, and in a case that a service capable of being utilized by said network apparatus is added, managing the cost of said distributed network apparatus by the business entity providing the added service and a business entity provided an existing service (column 4 line 49 – column 5 line 65 and column 7 lines 16-63 and column 9 lines 55-62 and column 14 lines 57-59 and column 15 line 6 – column 16 line 12 and Figs. 1, 16-17), and Farris as managing the sharing cost to each network apparatus based on the routing (abstract), and the combined teaching of Bondi and Farris teaches the limitations in claim 17.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bondi et al., U. S. Patent 6,333,979.

As to claim 10, Bondi teaches a network apparatus capable of connecting to a network, said network apparatus comprising (Fig. 1):

a) A storing unit storing a combination type of business entities bearing costs related to the network apparatus, wherein said combination type is a type of combination of business entities providing service to network apparatuses and corresponding costs of the business entities related to the providing the network apparatuses, each network apparatus receiving the service from the business entities specified by said combination type (column 3 lines 10-18 and column 4 line 37 – column 5 line 65 and column 7 lines 16-63);

b) A communication unit sending said combination type stored in said storing unit with a network connection request to a predetermined server on the network (column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 11, Bondi teaches an overwriting unit, when said communicating unit receives said combination type from said server, overwriting said combination type stored in said storing unit with said received combination type (column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 12, an overwriting unit, when said communicating unit receives an combination type from said server, comparing said combination type stored in said storing unit with said received combination type, and in a case that there is no match, overwriting an combination type stored in said storing unit with said received combination type are taught by Bondi as an overwriting unit updating the combination type, and comparing said received combination type with an combination type stored in said storing unit to determine the ultimate route, said combination type is updated accordingly (column 15 line 6 – column 16 line 12 and Figs. 16-17).

Claim 16 is rejected for the similar reason as claim 10.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bondi et al., U. S. Patent 6,333,979.

As to claim 13, Bondi teaches all claimed limitation as discussed above except for a removable storage medium placed in the network apparatus. However, a removable storage medium is well known in the art, and it would have been obvious to one of ordinary skill in the art to include a removable storage medium placed in the network apparatus of Bondi because this would provide convenience for the user who would like to store information in a portable device.

7. Claims 1-9, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondi et al., U. S. Patent 6,333,979 in view of Farris, U. S. Patent 6,064,653.

As to claim 1, Bondi teaches a management device to manage costs related to network apparatuses, said management device comprising (abstract and column 4 lines 49-57 and Fig. 1):

a) A storing unit storing management information to classify each network apparatus based on a combination type, wherein said combination type is a type

of a combination of business entities providing service to the network apparatuses and corresponding costs of each of the business entities related to the providing of the network apparatuses, each network apparatus receiving the service from a business entity specified by said combination type (column 3 lines 10-18 and column 4 line 37 – column 5 line 65 and column 7 lines 16-63);

b) A managing unit managing costs related to each network apparatus based on said combination type (column 4 lines 49-57 and column 7 lines 36-63 and column 9 lines 55-62 and column 14 lines 57-59).

Bondi does not explicitly state that the costs related to each network apparatus are sharing costs. However, this matter is taught by Farris as managing the sharing costs to each network apparatus based on the routing (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the managing unit of Bondi to include managing the sharing costs related to each network apparatus for optimizing the costs of the service.

As to claims 2-3, Bondi teaches said management information comprises the shared cost of business entities in each combination type (see claim 1 above); and when said combination type is changed relative to each network apparatus, said managing unit computes for each business entity the difference between the cost, which each business entity corresponding to the combination type of prior to the change is already bearing, and the cost, which each business entity corresponding to the combination type of subsequent to the change will bear are taught by Bondi as said combination type is changed based on the computed destination plan, and said

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combination type is stored and is used later to compute another destination plan for optimizing the cost and quality of the service (column 4 lines 49-57 and column 7 lines 36-63 and column 9 lines 55-62 and column 14 lines 57-59 and column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 4, Bondi teaches each network apparatus connected to a network (Fig. 1).

As to claim 5, Bondi teaches each network apparatus connected to a network, and said management device further comprises a communication unit receiving via a network, a network connect request from each network apparatus, and when said combination type is changed relative to each network apparatus, the combination type of each network apparatus stored in said management information is updated to the combination type of subsequent to the change, said managing unit executes said computation relative to at least one of the network apparatuses which sent the network connection request (column 15 line 6 – column 16 line 12 and Figs. 1, 16-17).

As to claims 6-7, Bondi teaches each network apparatus connected to a network (Fig. 1),

- a) Said management device further comprises a communication unit receiving said combination type stored before hand in a network apparatus with a network connection request from the network apparatus (column 15 line 6 – column 16 line 12 and Figs. 16-17),
- b) When said combination type is changed relative to each network apparatus, the combination type of each network apparatus stored in said management



information is updated to the combination type of subsequent to the change (column 15 line 6 – column 16 line 12 and Figs. 16-17);

c) Said managing unit compares said received combination type with the network apparatus combination type stored in said management information, and in the case of a match, sends to the network apparatus information corresponding to the combination type, and in a case that there is not a match, sends to the network apparatus information corresponding to the combination type stored in said management information, and furthermore, by sending to the network apparatus the combination type of subsequent to said change, updates the combination type stored in the network apparatus to the combination type of subsequent to said change are taught by Bondi as said managing unit compares said received combination type with the network apparatus combination type stored in said management information to determine the ultimate route, said combination type is updated accordingly (column 15 line 6 – column 16 line 12 and Figs. 16-17).

As to claim 8, in case that there is no said match, upon receiving predetermined temporary change information together with said combination type sent from the network apparatus, said communication unit sends to the network apparatus information corresponding to said received combination type are taught by Bondi as said managing unit compares said received combination type with the network apparatus combination type stored in said management information to determine the ultimate route, said combination type is recorded accordingly (column 15 line 6 – column 16 line 12 and

Figs. 16-17). Bondi does not specifically teach does not update said management information. Bondi teaches updating the history record of this transaction; however, this will not necessarily change the combination type (destination plan) for the network apparatus, specially, if certain patterns of the routings are not popular according to the recorded history file, and the existing destination plan dominate majority of the routes. Accordingly, it would have been obvious to one of ordinary skill in the art to allow the teachings of Bondi to include a feature of do not update the management information if the change is determined to be temporary because this would avoid complexities of data analysis.

As to claim 9, Bondi modified by Farris teaches wherein costs related to each network apparatus are the purchasing costs of said network apparatus (see claim 1 above).

Claims 14 and 15 are rejected for the similar reason as claim 1.

As to claim 17, Bondi teaches a management method executed by a computer to manage costs of a network apparatus capable of utilizing a service provided by a business entity, the method executed by the computer comprising: managing the cost of a distributed network apparatus; and in a case that a service capable of being utilized by said network apparatus is added, managing the cost of said distributed network apparatus by the business entity providing the added service and a business entity provided an existing service (column 4 line 49 – column 5 line 65 and column 7 lines 16-63 and column 9 lines 55-62 and column 14 lines 57-59 and column 15 line 6 – column 16 line 12 and Figs. 1, 16-17).

Bondi does not explicitly state the cost of said distributed network apparatus is the sharing cost. However, this matter is taught by Farris as managing the sharing cost to each network apparatus based on the routing (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Bondi to include managing the sharing cost of said distributed network apparatus for optimizing the costs of the service.

### ***Conclusion***

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is 571-272-6705. The examiner can normally be reached on M-Th (10:00-7:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Cheung  
Primary Examiner  
Art Unit 3621  
June 15, 2005

